

## **REMARKS**

The Office Action dated February 27, 2006 has been received and carefully noted. The following remarks are submitted as a full and complete response thereto. Claims 1-24 are pending and submitted for consideration.

Claims 1-3, 5, 10-12, 13-15, 17, 22-24 stand rejected under 35 U.S.C. §103(a) as being obvious over *Lippelt* (U.S. Publication 2005/0136890) in view of *Sharon* (US Publication 2002/0025795). The Office Action took the position that *Lippelt* teaches each and every element recited in the rejected claims 1-3, 5, 10-12, 13-15, 17, 22-24, except for the accounting client being configured to send charging update data to the accounting server during the call, and the accounting server being configured to collate the charging update data on the basis of the accounting session identifier. However, the Office Action cites to *Sharon* as teaching these features, and as such, the Office Action concluded that it would have been obvious to one of ordinary skill in the art to have combined the teaching of the references to generate Applicants' claimed invention. Applicants traverse the rejection and respectfully submit that the cited combination of references, when taken alone or in combination, fails to teach, show, or suggest each and every limitation recited in claims 1-3, 5, 10-12, 13-15, 17, 22-24.

Independent claim 1, upon which claims 2-7 and 10-11 depend, recites a method of charging against prepaid credit in a communication network. The method includes the steps of requesting establishment of a call between a first terminal and a second terminal, ascertaining whether any costs generated by accounting clients in the network, and

associated with the call, are to be charged against prepaid credit, in the event some or all of the costs are to be charged against prepaid credit, and establishing an accounting session between an accounting server and the accounting client that will generate the costs to be charged against the prepaid credit, the accounting session being allocated an accounting session identifier. The method further includes establishing the call with the second terminal, sending charging update data from the accounting client to the accounting server during the call, and collating the charging update data in the accounting server on the basis of the accounting session identifier, thereby enabling updating of the prepaid credit during the call.

Independent claim 13, upon which claims 14-19 22-23 depend, recites a communication network apparatus configured to allow charging against prepaid credit in relation to a first terminal. The network includes an accounting server and an accounting client capable of generating costs associated with a service in the network. The network is configured to accept a request from the first terminal for establishment of a call between the first terminal and a second terminal, to ascertain whether any costs generated by accounting clients in the network, and associated with the call, are to be charged against prepaid credit, in the event some or all of the costs are to be charged against prepaid credit, and to establish an accounting session between the accounting server and the accounting client that will generate the costs to be charged against the prepaid credit. The accounting session is allocated an accounting session identifier. The method further includes establishing the call with the second terminal, wherein the accounting client is

configured to send charging update data to the accounting server during the call, and the accounting server is configured to collate the charging update data on the basis of the accounting session identifier, thereby enabling updating of the prepaid credit during the call.

*Lippelt* teaches a charging method for a communications service in a cellular communications system that is directed to prepaid-type communications services. A prepaid service processing node (PSPN) processes a communications service, and a prepayment support node information (PI) is received from a subscriber profile database (SPD). A prepayment support node address (PA) is determined from the prepayment support node information (PI). The determined prepayment support node address (PA) is stored. A request for the communications service to be charged on a subscriber's prepayment account is detected, and a credit information request is sent to a prepayment support node (PPSC) identified by the stored prepayment support node address (PA). A credit information is received, and the requested communications service is processed according to the credit information.

*Sharon* teaches a method and device for monitoring the activity of a wireless communication device (WCD). The WCD includes a unit, which may be a hardware device, a software utility, or a combination of the two, which probes, records, and stores data relating to activity performed by a client's WCD. The activity includes use of the wireless communication network in general, *e.g.*, communication time or utilized bandwidth; utilization of special services, *e.g.*, access to a computer network such as the

Internet, to which a gateway is provided by the wireless communication service provider access of specific sites of the computer network that require payment for such access, purchase of products, services, content or data from sites of the computer network, or payment made to the client, for example, in case of a win in a network gaming activity. This activity data may be pulled by an activity-monitoring said server utility or of the activity data periodically pushed to said server utility by said unit. The transmission may be according to a configurable set of rules defined by the service provider or by a content provider, *e.g.*, an Internet service provider.

However, Applicants submit that the cited combination of references fails to teach, show, or suggest each and every limitation recited in claims 1-3, 5, 10-12, 13-15, 17, 22-24. Specifically, neither *Sharon* nor *Lippelt* teaches, shows, or suggests ascertaining whether any costs generated by accounting clients in the network, and associated with the call, are to be charged against prepaid credit, as recited in Applicants' independent claims 1 and 13. Further, neither *Sharon* nor *Lippelt* teaches, shows, or suggests sending charging update data from the accounting client to the accounting server during the call, as recited in Applicants independent claims 1 and 13. Therefore, Applicants submit that the cited combination of references fails to teach, show, or suggest each and every limitation recited in claims 1-3, 5, 10-12, 13-15, 17, 22-24. Therefore, reconsideration and withdrawal of the rejection of claims 1 and 13, along with each claim depending therefrom, is respectfully requested.

More particularly, both claims 1 and 13 recite ascertaining whether any costs generated by accounting clients in the network, and associated with the call, are to be charged against prepaid credit and sending charging update data from the accounting client to the accounting server during the call. In claims 1 and 13, it is expressly recited that the accounting client is in the network, which is not the case with either of the cited references. The Office Action takes the position that *Sharon* discloses sending charging update data from the accounting client to the accounting server during the call, to which Applicants respectfully disagree. Applicants submit that *Sharon* discloses that “the communication device 320 has incorporated therein an activity-monitoring unit... which tracks activity by device 320” (See, paragraph [0047] of *Sharon*). Thus, the Office Action is taking the activity monitoring device of *Sharon* to be analogous to the accounting client. However, it is clear that the activity monitoring device is part of the mobile terminal itself in *Sharon*, and is not in the network. Applicants therefore submit that the skilled person would appreciate that the activity monitoring device of *Sharon* is not the same as the accounting client of claims 1 and 13, and therefore *Sharon* does not teach, show, or suggest the limitation of the sending of the charging information cited by the Office Action. Since the Office Action acknowledges that *Lippelt* does not disclose this step, Applicants submit that the cited combination of references fails to teach, show, or suggest each and every limitation recited in Applicants’ independent claims 1 and 13. Therefore, reconsideration and withdrawal of the rejection of claims 1 and 13, along with each claim depending therefrom, is respectfully requested.

Further, the Office Action takes the position that *Lippelt* discloses the step of “in the event some or all of the costs are to be charged against prepaid credit, establishing an accounting session between an accounting server and the accounting client that will generate the costs to be charged against the prepaid credit, the accounting session being allocated an accounting session identifier”. The Office Action states that this feature is disclosed in paragraph [0050] of *Lippelt*, however, Applicants submit that a careful reading of paragraph [0050] does not support this conclusion. More particularly, Applicants submit that there is no mention in paragraph [0050] of *Lippelt* of the allocation of an accounting session identifier. *Lippelt* discloses in paragraph [0050] that “the PSPN determines in step 320 from the payment support node information PI a prepayment support node address PA”. One of ordinary skill in the art would appreciate that the address of a node is not the same as a “session identifier”. Therefore Applicants submit that *Lippelt* fails to disclose the session identifier expressly recited in Applicants’ claims. Further, since *Sharon* also makes no mention of allocating such a session identifier, Applicants submit that the cited combination of references fails to teach, show, or suggest each and every limitation recited in the rejected claims. Therefore, reconsideration and withdrawal of the rejection of claims 1 and 13, along with each claim depending therefrom, is respectfully requested.

Claims 4 and 16 stand rejected under 35 U.S.C. §103(a) as being obvious over *Lippelt* and *Sharon*, further in view of *Cobo* (U.S. Patent 6,496,690). The Office Action took the position that *Lippelt* and *Sharon* teach each and every element recited in claims

4 and 6, except for each accounting client taking one of the following network entity forms: SGSN/GGSN, S-CSCF/P-CSCF, and a network application server. However, the Office Action cites to *Cobo* as teaching this feature, and as such, the Office Action concluded that it would have been obvious to one of ordinary skill in the art to have combined the teaching of the references to generate Applicants' claimed invention. Applicants traverse the rejection and respectfully submit that the cited combination of references, when taken alone or in combination, fails to teach, show, or suggest each and every limitation recited in claims 4 and 16.

*Lippelt* and *Sharon* are discussed above. *Cobo* teaches a system and method of providing a prepaid subscriber service to a mobile subscriber in an integrated wireless telecommunications network having a circuit-switched portion and a General Packet Radio Service (GPRS) packet-switched portion. A prepaid subscriber class (PPSC) is stored in a home location register (HLR), and the PPSC is sent from the HLR to a serving mobile switching center (MSC) when the subscriber registers in the circuit-switched portion of the network. The PPSC is sent from the HLR to a serving GPRS support node (SGSN) when the subscriber registers in the packet-switched portion of the network. Also, the PPSC may be sent from the SGSN to a Gateway GPRS Support Node (GGSN) in order to indicate that the subscriber is a prepaid subscriber. When the mobile subscriber begins a packet-switched data session, the SGSN, GGSN, or both periodically send partial call data records (CDRs) to a prepaid center (PPC). When the mobile subscriber begins a circuit-switched call, the MSC periodically sends partial CDRs to the

PPC. The PPC calculates in near real time, a new account balance for the prepaid subscriber. The current call is disconnected, and prepaid services are stopped when the account balance is reduced to zero.

However, *Cobo* does not teach, show, or suggest ascertaining whether any costs generated by accounting clients in the network, and associated with the call, are to be charged against prepaid credit, as recited in Applicants' independent claims 1 and 13, the independent claims from which rejected claims 4 and 16 depend. Further, *Cobo* does not teach, show, or suggest sending charging update data from the accounting client to the accounting server during the call, as recited in Applicants independent claims 1 and 13, the independent claims from which rejected claims 4 and 16 depend. Since neither *Lippelt* nor *Sharon* teach these features, Applicants submit that *Cobo* fails to further the teaching of *Lippelt* nor *Sharon* to the level necessary to support an obviousness rejection. As such, reconsideration and withdrawal of the rejection of claims 4 and 16 is respectfully requested.

Claims 6-9 and 18-21 stand rejected under 35 U.S.C. §103(a) as being obvious over *Lippelt* and *Sharon*, further in view of *Chaney* (U.S. Patent 6,947,724). The Office Action took the position that *Lippelt* and *Sharon* teach each and every element recited in claims 6 and 18, except for the request for establishment of a cell being made via an SIP message sent from the first terminal. However, the Office Action cites to *Chaney* as teaching this feature, and as such, the Office Action concluded that it would have been obvious to one of ordinary skill in the art to have combined the teaching of the references

to generate Applicants' claimed invention. Applicants traverse the rejection and respectfully submit that the cited combination of references, when taken alone or in combination, fails to teach, show, or suggest each and every limitation recited in claims 6-9 and 18-21.

*Lippelt* and *Sharon* are discussed above. *Chaney* teaches a system and method in a telecommunications network for billing a call placed by a user based on a reported traffic load in the network. The system includes at least one Media Gateway Control Function (MGCF) that sends a reported traffic load for the MGCF in a registration message to a presence and instant messaging (PIM) Server. Users that subscribe to a load-based billing service also register with the PIM Server. The PIM server sends the reported traffic load to the users whenever the traffic load is updated by the MGCF, and to a billing node when the user places the call. A Call State Control Function (CSCF) sends the duration of the call to the billing node. The billing node determines a billing rate based on the reported traffic load and calculates a charge for the call based on the determined billing rate and the duration of the call.

However, *Chaney* does not teach, show, or suggest ascertaining whether any costs generated by accounting clients in the network, and associated with the call, are to be charged against prepaid credit, as recited in Applicants' independent claims 1 and 13, the independent claims from which rejected claims 6-9 and 18-21 depend. Further, *Chaney* does not teach, show, or suggest sending charging update data from the accounting client to the accounting server during the call, as recited in Applicants independent claims 1 and

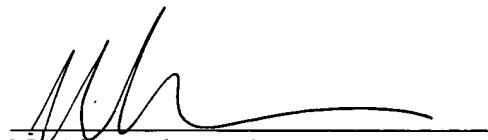
13, the independent claims from which rejected claims 6-9 and 18-21 depend. Since neither *Lippelt* nor *Sharon* teach these features, Applicants submit that *Chaney* fails to further the teaching of *Lippelt* nor *Sharon* to the level necessary to support an obviousness rejection. As such, reconsideration and withdrawal of the rejection of claims 6-9 and 18-21 is respectfully requested.

In conclusion, Applicants submit that the cited combination of references, when taken alone or in combination, fails to teach, show, or suggest each and every limitation recited in Applicants' independent claims 1 and 13. As such, reconsideration and withdrawal of the rejections is respectfully requested. Claims 1-24 are pending and submitted for consideration.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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